

REMARKS/ARGUMENTS

Drawing Objection

The Office requested corrected drawings as the drawings were deemed to fail to show the details as described in the application. The applicant included two replacement sheets in which all elements should now be clearly identifiable. No new matter was included in the replacement sheets.

35 USC §103

General Remarks

It appears as though the office interpreted the claimed subject matter as being drawn to a chair or spacer element in which the spacer element would prevent a collapsible chair from being inadvertently folded. This is not the case. Indeed, the spacer of the claimed subject matter does not interfere with the folding motion at all, but is included to provide a minimum predetermined distance between the cross braces at all times to so prevent a scissor-type injury of a user while holding the chair at a cross brace and collapsing the chair. Viewed from a different perspective, the spacer maintains the cross braces at a distance from each other in the open as well as in the folded configuration.

Consequently, it should be appreciated that the collapsed chair with the spacer can not be collapsed as compact as the same chair without the spacer since the distance between the cross braces is increased. This feature is expressly provided in the specification on page 5, lines 4-6, where the term "reduce collapsibility" is defined accordingly ("...the collapsed chair will have an increased width and/or length as compared to the same collapsed chair without the spacer element...").

Clearly, all heretofore known collapsible chairs, including those of Chang, Aycock, and others are configured to maximize collapsibility (*i.e.*, to reduce the dimensions of the collapsed chairs as much as possible) of the chair and as such teach directly against an implementation in which collapsibility is reduced. The office's argument that the motivation for modification as set forth in the rejections is therefore improper.

Obviousness Rejections

The Office rejected **claims 1-13** as being obvious over Chang (U.S. Pat. No. 5,893,605) in view of Halliday (U.S. Pat. No. 5,149,120). The applicant respectfully disagrees, especially in view of the amendments herein.

(a) With respect to amended claim 1 it is noted that claim 1 (and claims 2-7 by virtue of their dependence on amended claim 1) requires that all cross bars are "...rotatably coupled to each other via *a first, second, third, and fourth axis...*", that the "...spacer element is configured to maintain a *minimum distance of at least 1 cm between the cross bars at the point of rotatable coupling...*", that "...the *spacer element is coupled to and extends along the at least one of the first, second, third, and fourth axes...*", and that the spacer element "...*reduces collapsibility such that the collapsed chair has at least one of an increased width and increased length as compared to the same collapsed chair without the spacer element...*" These elements are clearly not taught by Chang and Halliday.

Similarly, amended claim 8 (and claims 9-13 by virtue of their dependence on amended claim 1) is drawn to a "...*spacer that has a continuous channel formed therein...*", wherein the spacer has first and second ends that "...*are disposed between and engage with the first and second cross bars such that the first and second cross bars remain at a distance of at least 1 cm from each other at a point of rotatable connection of the first and second cross bars as the collapsible chair collapses...*". Again, none of these elements are taught by Chang and Halliday.

The examiner once again stated that "...Halliday teaches a spacer element that maintains a minimum distance of at least 1 cm between the cross bars that are rotatably coupled to each other...", however, ***failed to provide any support for such supposition, even though applicant previously requested identification for such element in Halliday.*** Clarification is respectfully requested.

Likewise, and again ignoring the applicant's prior request, the applicant notes that the examiner failed to provide any separate discussion of independent claim 8, let alone any separate discussion of the respective dependent claims. Regarding claim 2, the examiner failed to show presence of a pedestal connector having a supplemental spacer. Regarding claim 3, the

examiner failed to show presence of a second spacer element. Regarding claim 4, the examiner failed to establish that the spacer element has a cylindrical shape. Regarding claim 5, the examiner failed to show that at least one of the spacer elements has a channel in which the axis is at least partially disposed. Regarding claim 6, the examiner failed to show that at least one of the spacer elements is manufactured from a synthetic polymer or metal. Regarding claim 7, the examiner failed to show that the spacer element maintains a minimum distance of at least 1.5 cm between the cross bars that are rotatably coupled to each other.

Regarding claim 9, the examiner failed to show that the collapsible chair is configured such that the spacer reduces collapsibility of the chair as compared to the chair without the spacer. Regarding claim 10, the examiner failed to show that the spacer has a cylindrical shape. Regarding claim 11, the examiner failed to show that the chair is proportioned for a child. Regarding claim 12, the examiner failed to show that the first and second cross bars remain at a distance of at least 1.5 cm from each other as the collapsible chair collapses, and regarding claim 13, the examiner failed to show that the spacer is manufactured from a synthetic polymer or metal.

It should further be pointed out that "*...particular findings* must be made *as to the reason* the skilled artisan, with no knowledge of the claimed invention, would have selected these components *for combination in the manner claimed...*" (In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000)), and that "...there must be some *motivation, suggestion, or teaching of the desirability* of making the specific combination that was made by the applicant..." (In re Dance, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998)). Even post KSR, it *remains necessary to identify the reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed.*

None of these critical requirements are met by Chang or Halliday. Indeed, Chang is entirely silent on the issue of any spacer and is solely concerned with providing a can holder in a collapsible chair. On the other hand, Halliday is concerned with inadvertent closing of a wheel chair and provides a locking mechanism to a single cross brace. Once again, amended claim 1 requires reduced collapsibility of a chair using a spacer element, whereas claim 8 is directed to a specific spacer element. There is absolutely nothing in Chang or Halliday that would suggest or motivate to modify the references such as to arrive at the presently claimed subject matter.

Again, reduced collapsibility is contrary to the concept of having a collapsible chair, and so also not motivated by the person of ordinary skill in the art. Based on the above arguments and amendments, the rejection of claims 1-13 as being obvious over Chang in view of Halliday is improper and should be withdrawn.

The Office further rejected **claims 1-13** as being obvious over Chang in view of Aycock (U.S. Pat. No. 5,975,626). The applicant respectfully disagrees.

Regrettably, and once again, it is noted that the examiner's reasoning for this rejection is substantially identical with the rejection of claims 1-13 over Chang and Halliday. Therefore, the same arguments and defects as pointed out above apply.

With further respect to Aycock it is noted that Aycock teaches a support element that bears forces from two cross members. Viewed from a different perspective, Aycock is concerned with replacement of a locking member (as *e.g.*, shown in prior art Fig.1) by a weight-bearing element. Nowhere in Aycock is there any reference or suggestion to reduce collapsibility of the chair. Based on the above arguments and amendments, the rejection of claims 1-13 as being obvious over Chang in view of Aycock is improper and should be withdrawn.

The Office still further rejected **claims 1-13** as being obvious over Chang in view of Ku (U.S. Pat. App. 2003/0006632). The applicant once more respectfully disagrees.

Again, it is noted that the examiner's reasoning for this rejection is substantially identical with the rejection of claims 1-13 over Chang and Halliday. Therefore, the same arguments and defects as pointed out above apply.

With further respect to Ku it should be appreciated that Ku teaches a control device similar to Aycock with an added cavity that pivotably supports a seat/backrest structure. Thus, it is readily apparent that Ku is concerned with providing reclining ability to a folding chair. Again, nowhere in Ku is there any reference or suggestion to reduce collapsibility of the chair, let alone to use a spacer as presently claimed. Based on the above arguments and amendments, the rejection of claims 1-13 as being obvious over Chang in view of Ku is improper and should be withdrawn.

Request For Allowance

Claims 1-13 are pending in this application. The applicant requests allowance of all pending claims. Should the examiner maintain his position that the rejections as applied are proper, the undersigned would appreciate a telephone call to discuss.

Respectfully submitted,
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